

ARTICLE 12

NONCONFORMING AND NONSTANDARD USED

12.001. Continuation of nonconforming use. Subject to the provision of this article, the lawful use of a building, dwelling, structure, lot, land or premises existing immediately prior to the effective date of this title may be continued although such use does not conform to the provisions hereof.

If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or of a more restrictive category. For the purposed of this article, each of the following categories of use shall be considered to be "more restrictive" than those it precedes:

- a) Single and two-family residential;
- b) Multiple-family residential;
- c) Office buildings;
- d) Retail sales and service;
- e) General commercial;
- f) Light industrial;
- g) Heavy industrial;
- h) Uses permitted only by special permit in the "I" Industrial District.

Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

Subject to the requirement of Sections 11.015 and 11.023 below, a nonconforming used not involving a building may be continued even though such use does not conform to the provisions hereof if no changes are made in regard to size or location of water lines, sewer lines or private roads.

12.003. Use Becoming Nonconforming by Change in Law or Boundaries. Whenever the use of a building or premises becomes a nonconforming use through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or more restrictive category, subject to the provisions of this chapter. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive nonconforming use.

12.005. Discontinuance of Nonconforming Use. In the event that a nonconforming use of any building, dwelling, structure, lot, land or premises is discontinued or its normal operation stopped for a period of two years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

12.007. Extension or Enlargement. Any nonconforming building, dwelling, structure, lot, land or premises devoted to a use not permitted by this title in the district in which the building or premises is located shall not be enlarged, extended, converted, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which the building or premises is located.

12.009. Restoration after Damage. When the use of a building is nonconforming as defined in this chapter and such building is damaged by a fire, explosion, act of God or the public enemy to the extent of more than sixty percent (60%) of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is located, or in conformance with the provisions of Article 13.

12.011. Sign Regulations. Signs for nonconforming uses and nonconforming signs shall be regulated in conformance with the provision of Article 16.

12.013. Open Storage. Where land within the "AG", "AGR", "R" and "B" Districts contain no main buildings as distinguished from accessory buildings and fences, and where said land was used solely for nonconforming open storage including junk yards as defined in County Resolution No. 3316 immediately prior to the effective date of this title, use of such land for open storage shall be discontinued for two (2) years. Open storage shall not be deemed to include farm machinery stored on a farm or acreage.

Where land is used for a nonconforming or nonstandard use in conformance with the provisions of this article and where such land contains a main building or structure in addition to open storage shall be brought in conformance with the area, front yard, side yard, rear yard, height, unobstructed open space and parking requirements for the district in which it is located within the period of one year from the effective date of this title.

12.015. Effect On Use Which Is Illegal Under Prior Law. Nothing in this resolution shall be interpreted as authorization for, or approval of, the continuance of the use of a building or premises in violation of zoning regulations in effect immediately prior to the effective date of this resolution.

12.017. Continuation of nonstandard uses. Nonstandard uses existing immediately prior to the effective date of this title may be continued, although such uses do not conform to the provisions thereof.

Nonstandard structures and building may be enlarged or extended, converted, reconstructed or structurally altered as follows:

- a) Enlargements, extensions, conversions, reconstructions, or structural alterations may be made as required by law or resolution or ordered by the Director of Building and Safety to secure the safety of the structure;
- b) Enlargements, extensions, conversions, reconstructions, or structural alterations of buildings or structures may otherwise be made if such changes comply with the minimum requirements as to front yard, side yard, rear yard and unobstructed open space for the district in which they are located.

12.019. All trailers shall comply with the requirements of this resolution within five (5) years after September 3, 1968.